

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF WISCONSIN

Lewis Edward Byrd, III,

Plaintiff,

v.

Brandon Arenz,

Defendant.

Civil Action No: 17-CV-191-JDP

**DEFENDANT'S RESPONSE TO
PLAINTIFF'S MOTION TO
DISMISS DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT
DATED 4/2/18**

NOW COMES Defendant Brandon Arenz ("Arenz"), as and for Defendant's response to Plaintiff's newly filed motion to dismiss summary for judgment dated April 2, 2018 and filed with the Court on April 5, 2018. Plaintiff's motion to dismiss Defendant's pending motion for summary judgment contains two unsupported assertions, arguing (1) that Defendant has not filed any brief or response to Plaintiff's previously filed motion to compel discovery; and (2) that Defendant is not complying with discovery. Neither of these assertions are correct. Defendant has formally opposed Plaintiff's prior motion to compel, and the Court has already denied Plaintiff's prior motion to compel discovery through its Order dated April 3, 2018.

In addition, Plaintiff asserts that Defendant is not complying with discovery, but has failed to identify any discovery demands that Defendant has not responded to. At this time, Defendant is not aware of any written discovery demands served by Plaintiff that Defendant has not answered.

In conclusion, Plaintiff's motion to dismiss Defendant's motion for summary judgment, dated April 2, 2018, should be denied.

Respectfully submitted.

Dated: April 10, 2013

Lind, Jensen, Sullivan & Peterson
A Professional Association

s/Jason R. Prochnow

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